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To: Examiner J. Kavanaugh	FROM: Byron S. Kuzara
COMPANY: U.S.P.T.O.	DATE: September 29, 2004
FAX NUMBER: 703-872-9306	TOTAL NO. OF PAGES: 3
RE: U.S. Serial No. 10/767,710	OUR REFERENCE NO.: 005127.00282

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Respectfully submitted,


By: Byron S. Kuzara
Registration Number 51,255
Banner & Witcoff, Ltd.

PATENT**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE***In re* Application of

Patricia L. Smaldone, et al.

Serial No. 10/767,710

Filed: January 28, 2004

For: ARTICLE OF FOOTWEAR HAVING A
SOLE STRUCTURE WITH ADJUSTABLE
CHARACTERISTICS

Group Art Unit: 3728

Examiner: Kavanaugh, John T.

Docket No. 005127.00282

RESPONSE TO RESTRICTION REQUIREMENTCommissioner for Patents
Alexandria, VA 22313

Sir:


In response to the Restriction Requirement of September 24, 2004, Applicants elect Species I, which relates to Figures 1-5. This election is made without traverse. Applicants submit that each of claims 1-14 is readable upon the figures relating to Species I. Accordingly, the Applicants respectfully await an examination on the merits of claims 1-14.

This Response is being timely filed by virtue of its facsimile transmission on September 29, 2004. Should additional fees or an extension of time be deemed necessary for consideration of this Response, such fees or extension are hereby requested and the

Commissioner is authorized to charge deposit account number 19-0733 for the payment of the requisite fee.

Respectfully submitted,

By:


Byron S. Kuzera
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Dated: September 29, 2004